

REMARKS

Claims 1-20 are currently pending in the application. In the above amendment, Applicant's representative has amended claims 1, 10, 15, and 16 in order to more distinctly and clearly that which Applicant regards as his invention. In the Office Action dated May 4, 2004 ("Office Action"), the Examiner objected to Figures 1, 2(A-D), 3(A-B), and 4, rejected claims 1-20 under 35 USC § 112, second paragraph, as being indefinite, and rejected claims 1, and 4-15 under 35 U.S.C. § 102(e) as being anticipated by Uchara et al., U2002/0040414 A1 ("Uchara"). Applicants respectfully traverse certain of the 35 USC § 112, second paragraph rejections and the 35 U.S.C. § 102(e) rejections below.

With regard to the objections to the drawings, modified drawings are submitted with this response.

With regard to the 35 USC § 112, second paragraph rejections, Applicant's representative has amended claims 1, 10, 15, and 16 to address certain of the Examiners rejections. With regard to other of the Examiner's rejections, Applicant's representative will amend the claims, if necessary, in a subsequent response, but, in the current response, endeavors to explain the claim language which Applicant's representative believes to be both definite and clear. Claim 1 is provided below, with emphasis, symbols "{" and "}," and numerical labels "(1)," "(2)," "(3)," and "(4)" added to highlight use of the terms "first electronic device," "second electronic device," and "electronic devices:"

1. (original) A method for controlling flow of requests and replies between (1) ***a first electronic device*** that stores new and pending requests in an electronic memory and retrieves new and pending requests from the electronic memory for transmission, and (1) ***a second electronic device*** that accepts requests transmitted from ***the first electronic device***, transmitting back to ***the first electronic device*** an ACK reply, and rejects requests transmitted from ***the first electronic device***, transmitting back to ***the first electronic device*** a NAK reply, the method comprising:

storing by ***the first electronic device*** a retry bit associated with each stored request;

storing by the second electronic device a retry vector containing bits corresponding to (3) a first set of electronic devices from which {the second electronic device} receives requests;

maintaining a copy in storage, by the first electronic device, of each request until an ACK reply corresponding to the request is received by the second electronic device;

employing the retry bits associated with each stored request by the first electronic device to mark requests for retransmission; and

employing the retry vector by the second electronic device to mark (4) a second set of electronic devices that need to retransmit one or more rejected requests.

In claim 1, there are actually four different electronic-device-related entities: (1) a first electronic device, introduced in the preamble; (2) a second electronic device, introduced in the preamble; (3) a first set of electronic devices from which the second electronic device receives requests; and (4) a second set of electronic devices that need to transmit one or more rejected requests. Applicant's representative believes that all four electronic-device-related entities are clearly claimed, and are well supported in the specification. Device-related entities (1) and (2) are properly introduced in the preamble, and consistently used throughout the claim. Device-related-entities (3) and (4) are sets, the membership of which may vary during operation of the second electronic device.

With regard to the rejection of claim 9, Applicant's representative would like to direct the Examiner's attention to lines 17 through 19 of page 22 of the specification, where the term "directly" is used consistently with the usage of the term "directly" in claim 9. The first and second electronic devices are directly connected by a communications medium, as opposed to an indirect connection involving one or more nodes. Similar language is found on lines 6-11 of page 1, and the term "node" is defined in the first paragraph of the background section, on lines 14-25 of page 1.

With regard to claim 10, Applicant's representative believes the above amendment should remove the Examiner's rejection, although Applicant's representative believes that the claim was quite clear and distinct, as originally submitted, in view of the above referenced portions of the specification, and the terminology used by those ordinarily skilled in the art of computer-system design and computer communications.


With regard to claim 11, Applicant's representative believes that the claim is clear and distinct as presented, in view of the above-cited portions of the specification. Moreover, it would not be possible to claim the various different topologies of possible interconnections between the first and second electronic devices. There may be any number of forwarding nodes, each forwarding node interconnected either with other forwarding nodes or one of the first and second electronic devices and a forwarding node via a communications medium. Interconnection by a number of electronic communications media and forwarding nodes is quite well understood in the art. Specifying all possible permutations and combinations of individual connections is neither possible nor required, in Applicant's representative's opinion.

With regard to claim 13, Applicant's representative believes there is nothing unclear about the term "an electronic device." There are many possible different numbers of electronic devices with which the second electronic device may communicate, each represented by a corresponding retry vector bit. This is clear from claim 1, on which claim 13 depends.

With regard to claim 15, Applicant's representative cannot understand the Examiner's statement indicating omission of an essential structural cooperative relationship. The first and second electronic devices are stated as intercommunicating, and it is clearly stated that the "second electronic device ... accepts requests transmitted from the first electronic device, transmitting back to the first electronic device an ACK reply, and rejects requests transmitted from the first electronic device, transmitting back to the first electronic device a NAK reply." Electronic devices may intercommunicate by many different means, including by electrical signals passed over transmission lines, electromagnetic radiation transmitted through space, etc. There need not be a so-called structural connection between them, and yet a number of intercommunicating computers may nonetheless constitute a multi-computer system. Claim 15 has been amended to address the Examiner's rejection based on the term "electronic devices." Finally, Applicant's representative cannot find the language "number of electronic communication media" in claim 15.

With regard to claims 16 and 18-20, Applicant's representative has amended claims 15 and 16 to address the Examiner's rejections. Applicant's representative fully understand the Examiner's confusion with respect to the two different types of retry bits claimed in claim 15, as originally claimed prior to the above amendment.

With regard to the Examiner's U.S.C. § 102(e) rejection of claims 1 and 4-15, 35 U.S.C. § 102(e) explicitly designates as prior art a patent, describing a later applicant's invention, granted on an application for patent by another filed in the United States before the later applicant's invention. Applicants' representative has included a Rule 131 Affidavit in which Applicant attests to submitting a disclosure of the current invention on June 11, 2001, prior to the July 3, 2001 filing date of Uchara. The Rule 131 Affidavit is supported by a dated disclosure document. In view of the Rule 131 Affidavit and supporting materials, Uchara is not citable under U.S.C. § 102(e).



All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

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Enclosures:

Postcard
Transmittal in duplicate
Drawing Transmittal
Fifteen Sheets of Formal Drawings (Figs. 1-10H)

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